

THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

March 7, 2022

A regular meeting of the Board of Examiners of Psychology was held on March 7, 2022 via Zoom teleconferencing.

MEMBERS PRESENT

Brenda Nash, Ph.D. – Chair
Jean Deters, Psy.D. – Vice Chair
Eva Markham, Ed.D.
Jamie Hopkins, Ph.D.
Joseph Dickhaus, M.S.
Elizabeth McKune, Ed.D.
Stacy Seale, M.S.
Emily Skaggs, Psy.D.

DEPARTMENT OF PROFESSIONAL LICENSING

Kevin Winstead, Commissioner
Chessica Nation, Administrative Section Supervisor

OTHER

August Pozgay, Board Counsel
Eric Russ, KPA
Melanie Ryan

MEMBERS ABSENT

Justin Gilfert – Citizen at Large

CALL TO ORDER

Dr. Nash called the meeting to order at 10:03 a.m.

MINUTES

The minutes of the February 7, 2022 meeting were presented to the Board. Dr. Deters made a motion to approve the minutes as presented. Dr. Hopkins seconded the motion and it carried.

MONTHLY FINANCIAL REPORT & LEGAL FEES

The February 2022 financial report was presented to the Board.

DPL REPORT

Mr. Winstead gave an update on the investigators RFP process. The justification memo drafted by Dr. Nash will be sent to the Office of Procurement Services by Mr. Winstead.

Mr. Winstead presented the Memorandum of Agreement for the Department of Professional Licensing. The Board requested a more detailed breakdown of what the fee would cover. A motion was made by Dr. Deters to postpone consideration of the Memorandum of Agreement. The motion was seconded by Dr. Hopkins and it carried.

Mr. Winstead gave the following report on various legislative actions. DPL and OLS are closely monitoring and will let board know if there is an update.

- SJR 150 that would terminate the COVID state of emergency as of March 7th, or the date it goes into effect, whichever is sooner, is moving through the legislative process.
- HB 237, which relates to cultural competency, appears to be moving through the legislative process.
- HB 188 would amend telehealth statutes to include some items that boards cannot prohibit.
- HB 12, which relates to conversion therapy, hasn't moved much through the legislative process.
- HJR 5 relates to compacts, but should not affect this board because they already have PSYPACT.

Mr. Winstead also reported that DPL is in the process of hiring additional board administrators to provide services to this board.

Mr. Winstead reported that IT is developing a new function to allow licensees to submit continuing education as it is earned throughout the renewal cycle. More details will be presented as they are available.

COMPLAINTS SCREENING COMMITTEE

Dr. Markham made a motion to enter into closed session at 10:56 a.m. pursuant to KRS 61.810(1)(j) for deliberation of quasi-judicial bodies regarding complaints at which information protected by KRS 61.810(k) may be discussed. The motion was seconded by Dr. Hopkins and it carried.

Mr. Dickhaus made a motion come out of closed session at 11:01 a.m. The motion was seconded by Dr. Hopkins and it carried.

- **2019PSY00023** – Ongoing.
- **2019PSY00031** – Ongoing. Dr. Skaggs made a motion to offer an agreed order with factually explicit terms. The motion was seconded by Dr. Hopkins and it carried.
- **2020PSY00003** – Ongoing. Dr. Deters made a motion to authorize board counsel to reach out to the investigator with a deadline of the next Complaints Screening Committee meeting for the investigation report to be received. Dr. Markham seconded the motion and it carried.
- **2020PSY00006** – Ongoing. Dr. Deters made a motion to authorize board counsel to reach out to the investigator with a deadline of the next Complaints Screening Committee meeting for the investigation report to be received. Dr. McKune seconded the motion and it carried.
- **2020PSY00015** – Ongoing. Note – Dr. Nash recused.
- **2021PSY00002** – Ongoing. Dr. Deters made a motion to modify the term of supervision in the private admonishment to reflect when the licensee starts working again. The motion was seconded by Dr. Hopkins and it carried. Dr. Deters made a motion to approve the counselor submitted as approved by the Complaints Screening Committee. The motion was seconded by Dr. McKune and it carried.
- **2021PSY00003** – Ongoing.
- **2021PSY00004** – Ongoing. Dr. Deters made a motion to authorize board counsel to reach out to the investigator with a deadline of the next Complaints Screening Committee meeting for the investigation report to be received. Dr. Hopkins seconded the motion and it carried. Note – Dr. McKune recused.
- **2021PSY00016** – Ongoing.
- **2021PSY00018** – Ongoing.
- **2021PSY00019** – Ongoing.
- **2021PSY00020** – Ongoing.
- **2021PSY00021** – Ongoing.
- **2021PSY00023** – Ongoing. Dr. Hopkins made a motion to investigate with specific questions to be drafted by legal counsel. The motion was seconded by Dr. Skaggs and it carried. Note – Mr. Dickhaus recused.
- **2021PSY00027** – Ongoing.
- **2021PSY00029** – Ongoing.
- **2021PSY00031** – Ongoing. Note – Dr. Nash recused.
- **2021PSY00032** – Ongoing. Dr. Deters made a motion to authorize legal counsel to reach out to the prison to find out whether the respondent is employed there. The motion was seconded by Mr. Dickhaus and it carried.
- **2021PSY00035** – Ongoing.
- **2021PSY00036** – Ongoing.
- **2021PSY00037** – Ongoing.
- **2021PSY00038** – Ongoing.
- **2021PSY00039** – Ongoing.
- **2021PSY00040** – Ongoing.
- **2021PSY00041** – Ongoing.
- **2021PSY00042** – Ongoing.
- **2021PSY00043** – Ongoing.
- **2022PSY00001** – Ongoing.
- **2022PSY00002** – Ongoing.
- **2022PSY00003** – Ongoing.
- **2022PSY00004** – Dr. Deters made a motion to dismiss. The motion was seconded by Dr. Skaggs and it carried.

- **2022PSY00005** – Ongoing. Mr. Dickhaus made a motion to initiate a board complaint against the supervisor, which will be complaint 2022PSY00006. The motion was seconded by Dr. Deters and it carried.

LEGAL REPORT

Mr. Pozgay presented a memo with an analysis in response to an inquiry regarding the KBIT-2 test. Mr. Dickhaus made a motion to send Mr. Pozgay's proposed response. Dr. Nash seconded the motion and it carried.

Mr. Pozgay reported that a court case regarding open records may require board members' personal emails to be subject to open records. In light of this, state government email addresses will soon be issued to all board members for official board business.

Mr. Pozgay gave a reminder that committees are public agencies and committee meetings need to be noticed and posted as open meetings. He also reminded the board members that email chains can be considered meetings, as well.

Mr. Pozgay presented the Memorandum of Agreement with the Office of Legal Services. Dr. Hopkins made a motion to approve the Memorandum of Agreement. Dr. Markham seconded the motion and it carried.

Mr. Pozgay let the board members know that he is adding appeal language to standard complaint dismissal letters.

Mr. Winstead provided an update on the regulations currently in the process of being amended. They will be heard at the ARRS meeting today at 1:00.

RECESS

The Board took a recess at 12:21. The meeting reconvened at 12:29 p.m.

OLD BUSINESS

CE Broker

A motion was made by Joe and seconded by Jamie to postpone consideration of utilizing CE Broker to the June meeting.

ASPPB Midyear Meeting

Ms. Nation reminded members to submit their paperwork for requesting approval of out-of-state travel for the ASPPB Midyear Meeting.

PSYPACT Commissioner

Dr. McKune made a motion for the board chair, Dr. Nash, to serve as the PSYPACT Commissioner. The motion was seconded by Mr. Dickhaus and it carried.

ACTING CHAIR

Mr. Dickhaus made a motion for Dr. Deters to serve as acting chair in Dr. Nash's absence at 12:55. The motion was seconded by Dr. Hopkins and it carried.

NEW BUSINESS

July Retreat

The Board discussed their upcoming retreat in July. They would like members to stay the night of July 13th and 14th, with the meetings being all day July 14th and until 4:00 on July 15th. The Board would like to schedule the CLEAR training on July 15th and invite the investigators. They are interested in having the retreat at either General Butler or Natural Bridge. Ms. Nation will have the fiscal department look into those options.

Medical Board Telehealth Restrictions

Dr. McKune shared a newsletter from the Kentucky Board of Medical Licensure where they stated that they are restricting telehealth for some circumstances. This was for informational purposes only and no action was taken.

Email Questions

The Board reviewed the email questions and Ms. Nation and Mr. Pozgay will respond as directed.

One question was regarding the term “psychometrist” as used in a Kentucky Medicaid document. Dr. Hopkins made a motion to authorize board counsel to follow up with the inquirer with additional questions. The motion was seconded by Dr. McKune and it carried.

A second question was from a licensee whose supervisee is planning to obtain an additional credential from another board. She wanted information on how to supervise in this situation. Dr. Skaggs made a motion to assign board counsel to draft a response along with Dr. Nash referencing the regulations and stating that the Board won’t be giving legal advice. The motion was seconded by Dr. Hopkins and it carried.

A third question was from a potential applicant who has a doctoral degree, but many of the licensure requirements were not met due to the degree being earned while in the military. Mr. Dickhaus made a motion to authorize board counsel to research the matter relating to military personnel. The motion was seconded by Dr. Markham and it carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report.

COMMITTEE REPORTS

Supervision Committee

No report.

Continuing Education Committee

No report.

Credentials Review Committee

Dr. Deters made a motion to enter into closed session at 1:02 p.m. pursuant to KRS 61.810(1)(j) for deliberation of quasi-judicial bodies regarding applications at which information protected by KRS 61.810(k) may be discussed. The motion was seconded by Ms. Seale and it carried.

Mr. Dickhaus made a motion to come out of closed session at 1:20 p.m. The motion was seconded by Dr. Deters and it carried.

Ms. Seale made a motion to refer two applications, D.H. and M.R., to the Complaints Screening Committee for further review. The motion was seconded by Dr. Deters and it carried.

COMMITTEE REPORTS

Examination Committee

No report.

Disciplined Psychologists Committee

No report.

Newsletter Committee

Ms. Nation will draft a blurb for the next newsletter clarifying what to submit when changing jobs and/or supervisors. Mr. Pozgay will review the draft and it will be presented to the Board for review.

A motion was made by Dr. Deters for the Board to take the above-listed actions recommended by the corresponding committees. Mr. Dickhaus seconded the motion and it carried.

PER DIEM

Dr. Hopkins made a motion to approve per diem compensation for eligible members attending today's meeting and other board business between meetings. Dr. McKune seconded the motion and it carried. Additional board business included:

- **Brenda Nash:** March 6, 2022 Complaints Review

Dr. Deters made a motion to pay honoraria for the following volunteer examiners. Mr. Dickhaus seconded the motion and it carried.

- **Sally Brenzel:** February 11, 2022
- **Rick Grieve:** February 11, 2022
- **Sarah Nolan:** February 11, 2022
- **Joe Edwards:** March 7, 2022

SCHEDULE NEXT MEETING

Monday, April 4th at 10:00 a.m.

PUBLIC COMMENTS

No comments.

ADJOURNMENT

A motion was made by Dr. Deters to adjourn the meeting at 1:28 p.m. The motion, seconded by Mr. Dickhaus, carried.



Brenda Nash, Ph.D. - Chair